

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 04-11456-RWZ

GENERAL ELECTRIC MORTGAGE  
INSURANCE CORPORATION,  
Plaintiff,  
Judgment Creditor

V.

CHI CHEN A/K/A CHEN HU,  
A/K/A TRACY CHEN,  
Defendant,  
Judgment Debtor

**AFFIDAVIT OF MICHAEL B. FEINMAN IN SUPPORT OF MOTION FOR  
ISSUANCE OF SANCTIONS AGAINST COUNSEL FOR THE  
PLAINTIFF PURSUANT TO 28 U.S.C. §1927, AND RULE 11  
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

I, Michael B. Feinman, hereby depose and state as follows:

1. I am counsel for Ching-Yee M. Tsui ("Tsui"), a party in interest in the above-captioned matter, and hereby submit this affidavit in support of the motion for issuance of sanctions against counsel for the Plaintiff, and pursuant to the Court's directive and Order dated September 6, 2005, regarding further submissions in this matter.

2. Attached hereto as Exhibit "A", is a true and accurate copy of the First Request For Production Of Documents received by Tsui on August 31, 2005, in the action recently filed in Suffolk County (the "Suffolk Action") by General Electric Mortgage Insurance Corporation "(GEMIC)", subsequent to GEMIC's notice of nonsuit in the action before this Court.

3. The reason that I produce this discovery request is that the Court needs to be informed that counsel for GEMIC has submitted in the Suffolk Action, the *exact same discovery requests* that were denied to GEMIC in this Court as irrelevant to the ultimate issue, that being whether or not Tsui's estranged husband Hu funded Tsui's purchase of the Westford property. More specifically, the Court should note that the first thirty-one (31) requests in the request for production are exactly the same as the requests that were propounded to Tsui in this action on or about August 31, 2004.

4. What has therefore become even more clear is that counsel for GEMIC is forum shopping. The Court will recall that at a hearing in this action on April 21, 2005, counsel for GEMIC was told by the Court that discovery as to Tsui would be limited to her deposition specifically on the issue of whether or not her estranged husband Hu funded Tsui's purchase of the Westford property (see Motion for Issuance of Sanctions, pp. 15-16)

5. When this Court would not agree to Mr. Gannett's repeated demands to expand discovery, after Mr. Gannett had already agreed in a prior proceeding to limit his discovery, Mr. Gannett "nonsuited" the proceedings, and commenced the Suffolk Action to seek discovery that was already denied in the federal court as well as the pending action in Middlesex County.

Signed under the pains and penalties of perjury this the 16<sup>th</sup> day of September, 2005.

/s/ Michael B. Feinman  
Michael B. Feinman

